

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, August 20, 2007

7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, August 20, 2007, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:30 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Christopher Scott, Mr. Adrian Achtermann, Mrs. Carol Steiner, Mr. William Church, Mr. Don Alexander, Mr. Gerald Jones, and Mrs. Karen Fuller.

Roll call of Council – 7 members present

Mrs. Steiner asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

RESOLUTION NO.: 67-2007 RESOLUTION AWARDING A CONTRACT TO AAA PIPE CLEANING CORPORATION TO PROVIDE LABOR AND MATERIALS FOR THE SILVER LAKE HEIGHTS SANITARY SEWER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 67-2007 to the Public Improvements Committee.

RESOLUTION NO.: 68-2007 A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SUMMIT-AKRON SOLID WASTE MANAGEMENT AUTHORITY.

Mrs. Steiner assigned Resolution No.: 68-2007 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 69-2007 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$94,742.27

Mrs. Steiner assigned Resolution No.: 69-2007 to the Finance and Appropriations Committee.

RESOLUTION NO.: 70-2007 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ENERGY CONSULTING SERVICES WITH INDEPENDENT ENERGY CONSULTANTS, INC., AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 70-2007 to the Personnel and Public Affairs Committee.

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RESOLUTION NO.: 71-2007 A RESOLUTION AUTHORIZING A CONTRIBUTION IN THE AMOUNT OF FIVE HUNDRED DOLLARS AND NO CENTS (\$500.00) TO THE “TEAM-NEO FOUNDATION” TO STUDY THE FEASIBILITY OF DEVELOPING A REGIONAL GOVERNMENTAL ECONOMIC DEVELOPMENT COLLABORATION WITHIN SIXTEEN COUNTIES THAT ENCOMPASS NORTHEASTERN OHIO, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 71-2007 to the Personnel and Public Affairs Committee.

Mrs. Steiner asked for the reading of any pending legislation that is up for a third reading.

ORDINANCE NO.: 61-2007 AN ORDINANCE AMENDING SECTION 1357.05 OF THE HOUSING MAINTENANCE CODE OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE FOR TIMELY APPEAL TO THE MAYOR OF ANY CITED VIOLATIONS, AND DECLARING AN EMERGENCY.

Ordinance No.: 61-2007 was previously assigned to the Planning, Zoning, and Insurance Committee.

ORDINANCE NO.: 62-2007 AN ORDINANCE AMENDING SECTION 543.08 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE NOTICE TO PREMISES OWNERS OF THE CUTTING OF NOXIOUS WEEDS AND SIX-INCH GRASS BY THE VILLAGE ON THE PREMISES, AND DECLARING AN EMERGENCY.

Ordinance No.: 62-2007 was previously assigned to the Planning, Zoning, and Insurance Committee.

Mrs. Steiner asked if there were any questions from the audience regarding pending legislation.

Mr. Rick Motz, 2986 Millboro Road, questioned the way legislation is written. “When you say declaring an emergency, what does that mean?”

Mrs. Steiner replied the legislation would have to be read three times if it is not declared an emergency. Just about every governmental entity operates the same way.

Mr. Motz asked if it is set up for three readings, then why is the Village always pushing so hard to get it done in two.

Mrs. Steiner stated some legislation requires more readings/discussion than others. Many items are discussed during budget meetings.

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Mr. Motz asked “you think a million dollar contract on sewers doesn’t deserve more discussion?”

Mrs. Steiner stated the project has been discussed previously in budget meetings, etc.

Mr. Church stated the project was put out for bid. Once it is put out for bid, Council determines what is the best and lowest bid. Then Council goes with that company.

Mrs. Steiner stated there has been much discussion since it was put out for bid.

Mr. Motz stated he read in the paper there have been sewer backups in 2003-2004 and about two dozen people complained. He asked if there have been any complaints since then.

Mr. Fenwick stated there have not been any complaints. There has not been any significant event to cause back ups.

Mrs. Spohn clarified; “Declaring an Emergency” means when the legislation takes affect, not the number of readings it has had. When stating “Declaring an Emergency” this decides when the Mayor signs the legislation and when it takes affect, otherwise legislation takes 30 days to become effective.” The three readings are under Council rules, which Council can suspend.

Mr. Motz asked if Council has to make a motion for the legislation to be read at less than three meetings.

Mrs. Spohn responded Council will suspend the rule that legislation be read at three meetings.

Mr. Motz asked if there is any guarantee that the work that is going to be done on the sewers for a million dollars will get rid of the problem that we haven’t had for three years.

Mr. Fenwick stated there is no guarantee. If other communities don’t do what the Village is doing, then there could still be sewer back ups. This project is just one of four that was recommended to be done.

Mr. Motz asked what the push is to do this project.

Mr. Fenwick stated the Village is paying for storm water that runs through our sanitary sewer system. Therefore, the Village is paying for storm water when it should only be paying for sanitary.

Mr. Motz asked what the cost is to pay for storm water for the Village compared to the million dollar cost to fix it.

Mr. Fenwick does not know what the cost is.

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Mr. Motz would like to know the benefit that is going to be created by fixing the system. The Village has not had the problem that caused the project to be done in three years.

Mr. Fenwick stated Mrs. Spohn could research a rain event to find a figure.

Mr. Church respectfully suggested to Mr. Motz that he find a book on Municipal Government, how it works and how the decisions are arrived at, and exactly where he needs to look to find that information, because Council has taken these steps. The project has been in the Capital Improvements for the past two years. It has been set up for the next ten years which sewers need to be replaced.

Mr. Motz stated he understands this. All he is asking is for information he would have thought Council would have had and known. What is the cost to the Village for the storm water going into the sewage?

Mr. Church stated the figures are not right at Council's fingertips when someone comes up to ask a question. These are items that have been debated and discussed for a long time.

Mr. Motz responded that every time he questions Council he is told that he is always late and here he is on the first reading and now is being told the same thing. How does the citizen get informed about what is going on if Council can't answer the questions?

Mr. Church stated citizens are more than welcome to ask questions, however; Council may not always have the answer on the spot, but the answers are there.

Mr. Motz asked if Council will have the answer before the second reading or are they going to pass the legislation tonight.

Mrs. Spohn responded it is eminent that the construction be started before cold weather sets in. This is a ninety day project and the contractors are concerned about cold weather. The lining requires a certain temperature and if it falls below that temperature then they cannot do the work.

Mr. Motz stated in previous years it didn't seem to be an emergency.

Mr. Fenwick stated sewers have been replaced since 1985. The project started back in 2003 when a study was done as to why this happened. Then there was an event in July 2003.

Mr. Motz asked why CTI Environmental is coming to watch the contractors do the work. Is there some suspicion that they won't do the work properly?

Mr. Fenwick stated CTI is the engineer on the project. The Service Department is not familiar with this type of project, which is why CTI will oversee the project.

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Mr. Motz asked how it was determined that this was the right course of action as opposed to replacing the sewers.

Mr. Fenwick replied replacing the sewers would be more costly. Other communities will probably lean more towards relining the sewers instead of replacing the sewers..

Mr. Motz asked when the no interest loan will have to be paid off and how much per year.

Mr. Jones stated that Mr. Motz is running for public office and is coming to Council to try and debate every issue. Mr. Motz would learn a lot more if he came to the meetings and listened, rather than trying to debate every issue with Council.

Mr. Motz asked if he loses his right as a citizen to ask questions just because he is a candidate for public office.

Mr. Jones stated no, he does not lose his right, but he comes in to the Council meetings to try and monopolize the meeting. Mr. Motz criticized Council a month ago when another resident got a half hour of time.

Mr. Motz asked if he is doing the wrong thing.

Mrs. Steiner stated these items have all been discussed previously. Mr. Motz was not there for the discussions so he is feeling frustrated because he does not have the answers. Council is feeling frustrated because they have already discussed the issues.

Mr. Motz asked for the terms of the no interest loan.

Mrs. Spohn stated it is a twenty year loan.

Mr. Jones stated it is not fair to Council members if Mr. Motz thinks he is going to monopolize every Council meeting.

Mr. Motz asked if the loan will be paid off over twenty years alike.

Mrs. Spohn responded yes.

Mr. Motz asked if the loan can be paid off and continue to run the sewer system without an increase in sewer rates.

Mrs. Spohn responded no.

Mr. Motz asked if the increase will be coming up soon.

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Mrs. Spohn stated it will happen when the project is complete.

Mrs. Steiner asked if there were any further questions from the audience regarding pending legislation.

There being none, Council then recessed at 7:43 p.m. to continue the Committee of the Whole meeting.

The Committee of the Whole meeting adjourned at 7:55 p.m. and Council reconvened.

REPORTS OF COUNCIL STANDING COMMITTEES

Planning, Zoning and Insurance Committee – Mr. Gerald Jones, Chairman

Mr. Jones stated Ordinance No.: 61-2007 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Jones, seconded by Mr. Church.

Roll call on adoption: Yes 7 No 0

Mr. Jones stated Ordinance No.: 62-2007 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Jones, seconded by Mr. Alexander.

Roll call on adoption: Yes 7 No 0

Public Improvements Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 67-2007 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 67-2007, seconded by Mr. Scott.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Church, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

Finance and Appropriations Committee – Mr. William Church, Chairman

Mr. Church stated Resolution No.: 69-2007 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Church, seconded by Mr. Scott.

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Roll call on adoption: Yes 7 No 0

Personnel and Public Affairs Committee – Mrs. Karen Fuller, Chairman

Mrs. Fuller stated Resolution No.: 68-2007 will be treated as a first reading.

Mrs. Fuller stated Resolution No.: 70-2007 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 70-2007, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Fuller, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

Mrs. Fuller stated Resolution No.: 71-2007 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 71-2007, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Fuller, seconded by Mr. Achtermann.

Roll call on adoption: Yes 7 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey thanked Council for passing Resolution No.: 71-2007.

Mayor Hovey stated there has been extensive discussion on the Silverview Storm Sewer project with the residents involved. The residents are asking for the following items:

- \$5,000 to grant the Village a permanent easement.
- The replacement value of any trees affected.
- Removal, cleanup and restoration of trees.
- A three-year guarantee that no tree will die.

Mayor Hovey stated Mr. Fenwick, Mr. Heydorn and himself all met to discuss what is reasonable to the Village. The purpose of the project is to help alleviate future problems and to help make residents as safe as possible.

Mayor Hovey stated he, Mr. Fenwick and Mr. Heydorn would be willing to pay \$1,000 for the permanent easement, the landscape value, and removal cost of trees. However, the report from Davey Tree indicated that there are currently a few trees that are already wounded and termites

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have been seen. The Village would like an independent arbitrator in the event there is action from the resident, to determine existing cause or if the Village caused the damage. This could increase the cost of the project. The alternative is to not do the project.

Mayor asked for Council's opinion.

Mrs. Steiner clarified this is the storm water pipe that goes into the lake. It is not as efficient as it could be because it goes into the water.

Mr. Jones asked the consequences if the project is not done.

Mayor stated it could be years before the Village has another significant rain event. During the last significant rain event in July 2003, many residents experienced a tremendous amount of water damage.

Mr. Fenwick stated the contractor would take the forty-two inch pipe that is submerged in the Lake and remove five sections of it so if the Lake rises, it will not have any push against it. Now when the water rises, the water hits the Lake and backs up the storm sewer system.

Mrs. Steiner stated this is not a new item. Initially there were pictures and drawings for Council to view that explained the project and the problem.

Mr. Fenwick said the easement would be for five feet. Workers are unable to get to the land to work on it. The easement needs to be larger in order to be an effective easement.

Mr. Heydorn stated Council should not be spending public money on something that is not physically owned and maintained by the Village. If there is an inadequate easement or no easement, the entrance to be able to access this in the future would be at the owner's discretion.

The Village's role in this is to essentially redesign the system so that it has the capacity to take a larger amount of water. The design of the storm systems generally, in terms of liability, the Village is not responsible for a design that doesn't meet certain standards.

Mrs. Steiner asked the cost of the project.

Mr. Fenwick stated the engineers estimate about a year and a half ago was \$42,000.

Mr. Achtermann asked why they are charging the Village for an easement.

Mayor stated the residents are looking at it as if they are losing a chunk of their property and they should be paid for it.

Mrs. Steiner stated an easement is not ownership, they aren't losing their property.

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Mr. Heydorn stated they are losing the ability to dig into the ground or perhaps plant trees in that area. But otherwise they can mow it, run around on it, etc. The flooding really doesn't affect them, the pipe and its maintenance helps their neighbors, not them.

Council agreed with the counteroffer of \$1,000 and landscape value.

Mayor stated Silver Lake has been involved with COG (Council of Governments) with other communities trying to centralize the fire, EMS and dispatch services. The figures are still not available. The cost could be such that the Cities of Stow and Tallmadge are the only members and the other communities would be contract members.

Mayor has asked the City of Stow to provide a breakdown figures of how much each service would cost us projected out for the next five years. The City of Cuyahoga Falls is also doing the same thing.

Chief DeMoss reported there have been two officers on medical leave. Officer Kennemuth is off due to a broken foot. He should be back to work by the end of October or early November.

Officer Nivens will be off three weeks due to throat surgery.

Mr. Fenwick, Service Director, had no report.

Mrs. Spohn, Clerk-Treasurer, stated she did some quick calculations for Mr. Motz regarding the cost of the sewer relining project. The observations are that in a dry month, the Department of Environmental Services will charge the Village around \$9,000, but in a very wet month it can go up to \$28,000.

Mrs. Spohn states she believes this is the first year the Ohio Public Works Commission has offered more time to pay back the loan, which she believes is either twenty-five or thirty years. Based on these terms, it would impact each Village resident who is on the sewer system \$1.48 per month for twenty-five years or \$1.26 per month for thirty years.

Mr. Heydorn, Village Solicitor, had no report.

Mrs. Steiner asked if there were any questions or comments from anyone in the audience.

Mrs. DeChant, 3050 Harriett Road, received a notice about the road being paved. The road is currently falling in and there are concerns about drainage in the area.

Mr. DeChant stated all the water from North Oakhill Road runs down to his property.

Mrs. DeChant wondered since the road is being paved if there is anything that can be done at the same time.

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Mr. Fenwick stated not at this time. North Oakhill Road does not have curbs to assist in the flow of storm water.

Mr. Dechant asked who is responsible for the pipe underneath the driveway apron.

Mr. Fenwick stated it is the responsibility of the resident.

Mr. Dechant asked why.

Mr. Heydorn responded by Ordinance, the resident is responsible for maintenance. The Village did not install the culvert pipe. The Village allows the resident to install the culvert pipe on Village property, but must be maintained by the homeowner.

Mr. Fenwick said he would meet the Dechants at their residence to look over the situation.

Mrs. Steiner asked if there were any further questions or comments from anyone in the audience.

There being no further business, Council adjourned at 8:28 p.m. until the next regularly scheduled Council meeting on Tuesday, September 4, 2007, at 7:30 p.m.

APPROVED:

Carol A. Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer